

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Lisa Lou Ann Thomason,	)	
	)	
Plaintiff,	)	C.A. No. 6:13-1742-TMC
	)	
v.	)	<b>ORDER</b>
	)	
NHC Mauldin, Deborah Dobson,	)	
Linda Knight, and Tiffany LNU,	)	
	)	
Defendants.	)	
	)	

Plaintiff, proceeding pro se and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging race discrimination against the defendants. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. On October 16, 2013, Plaintiff filed a motion to dismiss on because she believes the action is barred by the statute of limitations. (ECF No. 33). Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's Motion to Dismiss be granted. (ECF No. 45). The magistrate judge sought clarification of the motion from Plaintiff as to whether she sought dismissal of only certain claims or the entire action (i.e. against all Defendants). (ECF No. 34). Defendants filed a response to the motion stating that they had no objections to the motion, but requested that the court ask Plaintiff if she intended to dismiss the entire action with prejudice. (ECF No. 38). In response to the court's order, Plaintiff filed a notice that she wished to dismiss her action against all Defendants. (ECF No. 43). Accordingly, in her Report, the magistrate judge recommends the motion be granted against all Defendants. The parties were advised of their right to file objections to the Report. (ECF No. 45-1). However, no objections have been filed, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In

the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge’s Report (ECF No. 45) and incorporates it herein. It is therefore **ORDERED** that Plaintiff’s Motion to Dismiss (ECF No. 33) against all Defendants is **GRANTED**, and this action is dismissed with prejudice pursuant to Fed.R.Civ.P. 41(a)(2).<sup>1</sup>

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
December 30, 2013

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> Rule 41(a) only permits a voluntary dismissal by a plaintiff without a court order (1) before the opposing party serves either an answer or motion for summary judgment or (2) when the stipulation of dismissal is signed by all parties who have appeared. Neither situation applies here.